

# Filling Casual Council Vacancies Policy

GS06-CP



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## 1. Purpose

This policy outlines how casual vacancies for the position of an ordinary Council member (Councillor), the principal Council member (President) and deputy principal Council member (Deputy President) may be filled.

## 2. Scope

This policy applies to elected and appointed members of the Council.

## 3. Objectives

The objective of this policy is to:

- 3.1 Ensure that vacancies on the Council are appropriately filled.
- 3.2 Provide guidance on how these vacancies are filled dependent on proximity to general election.

## 4. Definition

By-election	An election held to fill a vacancy arising during a council's term of office.
Deputy Principal Council member	This refers to the appointed deputy principal Council member (Deputy President)
Ordinary Council member	This refers to all elected Council members (Councillors) excluding the principal member (President)
Principal Council member	This refers to the appointed principal Council member (President)

## 5. Statement

### 5.1 Casual vacancies of an ordinary Council member

Upon receiving a resignation from an ordinary Council member, the CEO is to inform the Commissioner of the Northern Territory Electoral Commission (NTEC). MRC will fill casual vacancies in the office of an ordinary Council member as follows:

Date vacancy occurs	Action
18 months or more before the next general election.	MRC will hold a by-election to fill the vacancy (in accordance with item 5.2 of this policy).
Less than 18 months, but not less than 6 months, before the next general election.	The Council will appoint <b>a person</b> to fill the vacancy until the next general election (in accordance with item 5.3 of this policy).

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6 months or less before the next general election.	The Council will appoint <b>a person</b> to fill the vacancy until the next general election (in accordance with item 5.3 of this policy) or leave the office vacant (in accordance with item 5.4 of this policy).
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## 5.2 Filling the office of an ordinary Council member through by election

As soon as practicable after a casual vacancy occurring in the office of an ordinary Council member, 18 months or more before the next general election, the CEO must coordinate a Council ward by election in conjunction with the NTEC.

## 5.3 Filling the office of an ordinary Council member though appointment

As soon as practicable after a casual vacancy occurring in the office of an ordinary Council member, less than 18 months but not less than 6 months before the next general election, the CEO will advertise the vacancy for appointment by publishing in a local newspaper, on MRC's website, and on MRC's noticeboards in the ward communities.

5.3.1 The advertisement will invite applications from electors who are:

- a. eligible under section 46 of the *Local Government Act 2019*; and
- b. enrolled in the relevant ward; and

5.3.2 The advertisement will invite applicants to either provide a written statement (one page) or video submission (three minutes) that outlines why the person wants to be a ward Councillor and the qualities they would contribute to the Council; and

5.3.3 The advertisement will advise that the written statement or video submission of the applicant may be made public by the Council.

5.3.4 The closing date for applications will be 28 days from the date the advertisement is published in the local newspaper and on the council website.

5.3.5 As soon as practicable after the closing date, the CEO will provide copies of all applicant statements to all Councillors. At the next ordinary council meeting following the closing date, the matter is to be included as an agenda item for Council's consideration.

5.3.6 When appointing a person to be an ordinary Council member, Council will give due consideration to:

- a. The person's level of community involvement;
- b. The person's suitability for the role; and
- c. Any other relevant matters.

5.3.7 Council will decide the appointment by resolution, to take effect 7 days after the date of the resolution.

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5.3.8 The CEO is to ensure the successful applicant is advised of their appointment to the Council and that an induction to the position is undertaken as soon as practicable.

## 5.4 Not filling the office of an ordinary Council member

When a vacancy occurs 6 months or less before the next general election Council may discuss the electoral representation ratio of the ward and by resolution of existing members, leave the office vacant.

## 5.5 Casual vacancies of the appointed principal member (President) and deputy principal member (Deputy President)

5.5.1 Upon receiving a resignation from the President or Deputy President **that does not include resigning from their office as an ordinary Council member**, Council will fill casual vacancies in each or either office of the President or Deputy President as follows:

Date vacancy occurs	Action
18 months or more before the next general election.	The Council will appoint <b>an existing ordinary Council member</b> to be President or Deputy President, by vote of existing members (in accordance with item 5.6 of this policy).
Less than 18 months, but not less than 3 months, before the next general election.	The Council will appoint <b>an existing ordinary Council member</b> to be President or Deputy President, by vote of existing members (in accordance with item 5.6 of this policy).
3 months or less before the next general election.	The Council will appoint <b>an existing ordinary Council member</b> to be President or Deputy President, by vote of existing members or leave the office vacant (in accordance with item 5.6 of this policy).

5.5.2 Upon receiving a resignation from the President or Deputy President **that includes resigning from their office as an ordinary Council member**, Council will fill casual vacancies in all offices of the President, Deputy President or ordinary Council members as follows:

Date vacancy occurs	Action
18 months or more before the next general election.	The Council will appoint <b>an existing ordinary Council member</b> to be President or Deputy President, by vote of existing members (in accordance with item 5.6 of this policy).
	Then, MRC will hold a by-election to fill the vacancy in the office of an ordinary Council member in the ward of the outgoing President or Deputy President (in accordance with item 5.2 of this policy)
Less than 18 months, but not less than 3 months, before the next general election.	The Council will appoint <b>an existing ordinary Council member</b> to be President or Deputy

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	President, by vote of existing members (in accordance with item 5.6 of this policy).
	Then, Council may appoint <b>a person</b> to fill the vacancy in the office of an ordinary Council member until the next general election (in accordance with item 5.3 of this policy), or Council may leave the office vacant if the vacancy is for 6 months or less before the next general election (in accordance with item 5.4 of this policy).
3 months or less before the next general election.	The Council will appoint <b>an existing ordinary Council member</b> to be President or Deputy President, by vote of existing members or leave the office vacant (in accordance with item 5.6 of this policy).
	Then, Council will leave the office of the ordinary Council member vacant (in accordance with item 5.4 of this policy).

## 5.6 Appointing a President or Deputy President

5.6.1 The matter of appointing a person to fill a casual vacancy in the office of President or Deputy President is to be on the agenda at the next ordinary Council meeting after the vacancy occurs. At the ordinary Council meeting, Council will:

- a. by closed vote, resolve the appointment of an existing ordinary Council member to fill the vacancy in the office of President or Deputy President until the next general election;
- b. by resolution, appoint an existing ordinary Council member to act in the office of President or Deputy President, if 3 months or less before next general elections; and
- c. for all appointments to commence immediately.

## 6. Policy Details

<b>Replaces Policy No: (if applicable)</b>	N/A
<b>Responsible Directorate/Department:</b>	Directorate of Corporate Services Governance and Engagement
<b>Approval Date:</b>	26 February 2021
<b>Minutes Reference and Resolution number:</b>	Resolution # 114 – Item # 15.1 Ordinary Council Meeting 26 February 2021
<b>Review Cycle:</b>	February 2025. Review every four (4) years or after changes to relevant legislation or Council policy

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## 7. Legislation and References

<b>Related Legislation:</b>	Local Government Act 2019 Local Government (Electoral) Regulations 2021
<b>Related Policies:</b>	N/A
<b>Associated Documents:</b>	

## 8. Version Control

<b>Version No</b>	<b>Approval Date</b>	<b>Policy No.</b>	<b>Minutes reference and Resolution number (previous version)</b>
1	26 February 2021	GS06-CP	Resolution # 014 OCCM 29 February 2021 Item # 15.1